

*Draft Minutes*  
**Nevada State Emergency Response Commission**  
**Legislative Committee Meeting**  
Cooperative Extension Conference Room  
2621 Northgate Lane, Suite 12  
Carson City, NV  
February 7, 2006

**Members Present**

Richard Mirgon, Chair  
Carl Byrd  
Stacey Giomi  
Susan Crowley - Teleconference  
Verl Jarvie - Teleconference

**Members Absent**

Lawrence Jacobsen  
Dennis Nolan  
Jim Reagan

**Staff**

Karen Kennard  
Suzanne Adam  
Glade Myler

**I. Call to Order**

Richard Mirgon called the meeting to order at 9:15 a.m.

**II. Introductions**

A quorum was present. Members and staff introduced themselves as shown above.

**III. Old Business**

**A. Approval of the March 9, 2005 meeting minutes**

Stacey Giomi made a motion to approve the minutes of the March 9, 2005 meeting. Carl Byrd seconded the motion which was approved unanimously.

**IV. New Business**

**A. Discussion/Action on possible Bill Draft Request (BDR) regarding SERC's responsibility of administering the Contingency Account for Hazardous Materials as it relates to fees collected pursuant to NRS 477.045 (State Fire Marshal). This BDR may be in conjunction with the request from the Board of Fire Services.**

Karen Kennard advised discussion on a possible BDR was a result of the State Board of Fire Services (SBFS) meeting held a few weeks prior to this meeting. Ms. Kennard, Richard Brenner and Larry Farr attended the meeting representing the State Emergency Response Commission (SERC). The SBFS had a suggestion for a proposed bill. Ms. Kennard advised Pete Mulvihill, from the SBFS, would like to present a BDR that would put all fees received by the State Fire Marshal's Office (SFMO) into an account or category within the SFMO budget to be able to balance forward and not revert to the general fund. Currently, fees the SFMO has in its budget account revert to the general fund instead of being balanced forward to the next fiscal year.

In discussions Ms. Kennard had with Senator Nolan, Senator Nolan felt SERC should not do a BDR unless it was tied in with another Bill. Ms. Kennard requested direction from the Legislative Committee as to where SERC stands with the \$60 surcharge. Also, whether SERC would want to piggyback onto the State Board of Fire Services' BDR, and request the funds go to the SFMO budget account, thus taking SERC out of the administrative loop. The alternatives are to leave it or put it completely under SERC's administration. Glade Myler, Sr. Deputy Attorney General, stated from a legal standpoint, he preferred SERC give the responsibility to the SFMO rather than have it in the SERC's contingency account. SERC is responsible fiduciarily for the money that goes into the account. Historically, SERC has not been able to get any accounting of expenditures from SFMO.

The Committee members had concerns about the State Fire Marshal's lack of responsiveness to give an accounting of the monies spent on training for the State. SERC could contract for training or utilize staff employees. Mr. Giomi advised the SFMO gives SERC an accounting of how many people they are training and hours of training, but not a monetary accounting. Mr. Myler advised that status quo is not acceptable: The SERC or the SFMO should have full administrative/fiduciary responsibility over the training funds.

Ms. Kennard stated right now SERC has \$160,000 sitting in the account this fiscal year with approximately \$70,000 that balanced forward from last year. Since March 1 is the due date, fees are currently coming in. The SFMO projects \$369,000 coming in this year.

Mr. Giomi stated there was another potential problem that will begin to surface with this examination of the SFMO. The SFMO is presently collecting fees on items that are not permissible under their own NACs. Once this whole thing begins to get looked at, the amount of money collected might be significantly decreased. Mr. Giomi also added Carson City businesses have been asking why the SFMO is billing them for certain chemicals. When checked, Mr. Giomi stated there was no valid reason these businesses were getting billed. Yet SFMO maintains these chemicals and amounts have to be billed. Mr. Myler asked if this had been brought to the State Fire Marshal's attention. Mr. Giomi advised it had.

Verl Jarvie added he would like to see SERC keep getting the funds and issue it back to the SFMO so the funds can be balanced forward.

Carl Byrd stated SERC should take control of the funds and the training. The rural counties are still not receiving sufficient training from the

SFMO. The training can be contracted out to local instructors. Mr. Byrd stated several of the rural fire departments incur the costs of their own training because of the difficulty in getting the Fire Marshal's Office to provide training.

There were suggestions the SERC should have a BDR prepared in case the BDR from the State Board of Fire Services does not materialize.

Mr. Giomi was concerned because of the seriousness of introducing a bill into the Legislature and the embarrassment to the SFMO. Ms. Kennard had a concern if SERC piggybacked and the Legislature gave the funds to the SFMO, but not allow the funds to balance forward. Mr. Giomi stated SERC can make an argument through the tax payers, and the fee payers and the users they are getting a disservice done if the funds do not balance forward. Mr. Giomi stated SERC would have a difficult time getting a BDR passed working alone and not with a group. The SERC is in a righteous position as long as it is taking a stand these funds are generated by the industry for training of people to respond to the industry and to deal with the hazardous materials issues in the State.

Ms. Crowley agreed with Mr. Giomi.

Ms. Crowley made a motion SERC propose a BDR to take the \$60 surcharge SERC now receives as part of the permitting fee and modify the process so the funds do not have to be given back to the SFMO. In addition, SERC would accept the responsibility of using this money to fund hazmat training and the Executive Director was directed to pursue this.

Ms. Crowley added the SERC would accept the responsibility within the Commission for hazmat training. Mr. Giomi seconded the motion which was unanimously approved.

## **V. Public Comments**

Mr. Mirgon asked if there was anything else that needed to be done legislatively. Mr. Byrd brought up about item "C" on the last agenda, which was the discussion on the revision of the NRS regarding the definition of manufacture for transport of extremely hazardous materials. Ms. Crowley advised it was the consensus of SERC they didn't need to go forward with that.

Mr. Myler stated if SERC accepts the responsibility for the training, the Commission may have to develop regulations and make decisions on how they are going to administer that program. Mr. Myler added SERC should probably request additional staff. Mr. Giomi stated the two positions designated in the SFMO could be moved to the SERC. Mr. Myler added technically SERC needs to request staff in the BDR to use a portion of that funding for administrative staff.

**VI. \*Adjournment**

Mr. Giomi made a motion to adjourn at 9:45 a.m.